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Mary J. Wilson  
Nixon & Vanderhye P.C.  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714

In re Application of :  
EMES et al. :  
Application No.: 09/646,532 :  
PCT No.: PCT/GB99/00727 : DECISION ON REQUEST  
Int. Filing Date: 19 March 1999 :  
Priority Date: 20 March 1998 :  
Attorney Docket No.: 39-219 :  
For: ADP-GLUCOSE TRANSPORTER OF THE :  
AMYLOPLAST :

This is a decision on applicants' "Submission and Refund Request" filed 03 October 2000 and "Request for Issuance for Corrected Notification of Acceptance of Application" filed on 31 January 2001.

On 19 September 2000, applicant filed a request to enter into the national stage under 35 U.S.C. 371 along with the appropriate basic national filing fee.

On 03 October 2000, applicant filed a declaration, an Assignment, a Verified Statement Claiming Small Entity, and a Request for Refund.

On 24 November 2000 applicants filed copies of the declaration, Assignment, a Verified Statement Claiming Small Entity, and a Request for Refund in response to a Notice of Missing Requirements mailed 23 October 2000.

On 08 January 2001, a Notification of Acceptance was issued identifying the 35 U.S.C.102(e) and 371(c) date as 21 December 2000.

On 31 January 2001, applicants filed "Request for Issuance for Corrected Notification of Acceptance of Application." Applicants urge that the Notification of Acceptance of Application be corrected to indicate a filing date of 03 October 2000, rather than 21 December 2000.

## DISCUSSION

### A. Request for Refund

In the present case, the 03 October 2000 request for a refund of a portion of the fees paid upon filing the present application based upon the subsequent establishment of small entity status was made within two months of the payment of the large entity fees on 19 September 2000. Accordingly, petitioner is entitled to a refund of a portion of the large entity fees paid upon filing the present application and to one-half of the surcharge for filing an oath or declaration later than 30 months from the priority date. Deposit Account No. 14-1140 will be refunded \$485.00.

B. Request for Corrected Notification of Acceptance of Application

The actual filing date of the present application is considered to be the international filing date, 19 March 1999. A review of the application file reveals that the declaration was filed with the USPTO on 03 October 2000, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. Therefore, the correction of the Notification of Acceptance to indicate a date of 03 October 2000 is proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 03 October 2000.

**CONCLUSION**

The Request for Refund is **GRANTED**.

Applicants' request for the issuance of a corrected Notification of Acceptance of Application indicating a 35 U.S.C. 371 date of 03 October 2000, is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 08 January 2001 is hereby **VACATED**.

The application has an international filing date of **19 March 1999** under 35 U.S.C. 363 and a date of **03 October 2000** under 35 U.S.C. 371.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of **03 October 2000** under 35 U.S.C. 371.

This application will then be returned to Examining Group 1638.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



Anthony Smith  
Petitions Attorney  
PCT Legal Office  
Telephone: (703) 308-6314  
Facsimile: (703) 308-6459